



Editor's Foreword

By Elizabeth Humphreys

— No Lawyer's An Island —

"No man is an iland, intire of itselfe; every man is a peece of the Continent, a part of the maine; if a Clod bee washed away by the Sea, Europe is the lesse, as well as if a Promontorie were, as well as if a Manor of thy friends or thine owne were; any mans death diminishes me, because I am involved in Mankinde; And therefore never send to know for whom the bell tolls; It tolls for thee."

— MEDITATION XVII, Devotions upon Emergent Occasions by John Donne

Robert D. Resner casts a life preserver to lawyers who are suffering from substance abuse or chemical dependency by providing valuable information about The Other Bar and the services it provides. Help may be initiated by calling 1-800-222-0767.

Virginia K. DeMarchi analyzes whether or not expert witnesses may be sued for malpractice. She also questions whether expert malpractice liability will promote honest and reliable expert testimony.

Charles V. Berwanger reviews the current legal standards applicable to summary judgments pursuant to California Code of Civil Procedure section 437c and advises that pending legislation (SB 476) seeks to adopt different legal standards for plaintiffs and defendants.

Andrew J. Guilford provides a primer on the federal courts for state court practitioners. He exposes a number of traps "for the unwary" and highlights the unique nomenclature of the federal courts.

Andrea G. Asaro explores the frustration felt by many litigators with the Ninth Circuit's use of unpublished decisions that cannot be cited. She concludes that the problems faced by litigants as a result of this practice outweighs the Court's need for summary procedures and urges vigorous debate between the bench and the bar on this issue.

Dan R. Gallipeau surveys the results of a national study on potential juror biases in securities class actions. He provides litigation strategies to capitalize on or defend against jurors' deep-seated prejudices.

Stephen B. Ruben explains and champions the concept of "collaborative divorce." He argues the collaborative process values people instead of winning, resulting in truly successful advocacy.

Tiela Chalmers highlights the positive benefits of pro bono legal work and encourages lawyers to rehabilitate the reputation of the profession by providing much needed services to low income clients and struggling non-profits.

The Honorable William F. McDonald (Ret.) describes the creation and function of the “paperless” complex litigation court facility in the Orange County Superior Court. He encourages litigators to get ready because the paperless courtroom is here.

— Looking Ahead —

California Litigation will celebrate its 15th anniversary year in 2002. Volume 15 • Number 1 will take readers “back to the land” for a survey of real property legal issues including condemnation, landlord tenant, nuisance, animal rights and title insurance.

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The journal is sent free to members of the Litigation Section.

The Litigation Section

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